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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 JOHNNY ALVAREZ, ) CASE NO. EDCV 11-588-VBF (PJW)  
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12 ) Petitioner, )  
13 ) v. ) ORDER ACCEPTING REPORT AND  
14 ) DOMINGO URIBE, JR., ) RECOMMENDATION OF UNITED STATES  
15 ) ) MAGISTRATE JUDGE AND DENYING  
16 ) ) CERTIFICATE OF APPEALABILITY  
17 ) Respondent. )  
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16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the  
17 Petition, the records on file, and the Report and Recommendation of  
18 United States Magistrate Judge. Petitioner has not filed any  
19 objections to the Report. The Court accepts the findings and  
20 recommendation of the Magistrate Judge.

21 Further, for the reasons stated in the Report and  
22 Recommendation, the Court finds that Petitioner has not made a  
23 substantial showing of the denial of a constitutional right or that  
24 the court erred in its procedural ruling and, therefore, a  
25 certificate of appealability will not issue in this action. See 28  
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1 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*,  
2 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484  
3 (2000).

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5 DATED: 9/13/11.



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7 VALERIE BAKER FAIRBANK  
8 UNITED STATES DISTRICT JUDGE  
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